

National and Community Service and Faith-Based Organizations
Answers to Frequently-Asked Questions
by the
Office of the General Counsel (November 2002)

Are faith-based organizations eligible to receive Corporation grants and sponsor national service programs?

Yes. Under the national service legislation, private nonprofit organizations -- both secular and faith-based -- are eligible to receive grants and sponsor national service programs. In fact, the National and Community Service Act explicitly defines a private nonprofit organization to include "a church or religious entity." However, federal funds may not be set aside solely for faith-based organizations.

Does a faith-based organization have to remove religious symbols or take other steps to ensure a non-religious "environment" in the location where it is sponsoring national service programs?

No. Faith-based organizations receiving a grant from the Corporation do not lose their right to display religious symbols or otherwise express their religious character, as long as the organizations do not engage in inherently religious activities (religious worship, religious instruction, or religious proselytization during the Corporation-funded program.

What prevents Corporation assistance to faith-based organizations from advancing religion in violation of the Establishment Clause?

There is a distinction between inherently religious practices by a faith-based organization, which the government may not fund, and national service activities by participants that take place at the sponsoring organization. Corporation assistance may not be used for religious instruction, religious worship, or religious proselytization. This restriction on inherently religious activities applies only to the national service project and does not apply to voluntary activities undertaken on an individual's own time. In addition, national service programs must be open to participants regardless of their religion.

What restrictions apply to national service participants serving with faith-based organizations?

National service participants may not engage in inherently religious activities such as giving religious instruction, conducting worship services/prayer, or religious proselytizing.

How do these rules apply to the hiring practices of faith-based organizations?

Under the national service legislation, an organization may not discriminate on the basis of religion in hiring an employee who is paid with Corporation funds to work on a national service project. However, this provision does not apply to staff members who are supported by private funds or staff members who, although supported by Corporation grant funds, were employed with the faith-based organization prior to the grant award. [Any faith-based applicant or grantee organization who believes that this provision substantially burdens its free exercise of religion should contact the Corporation.]

Would the fact that our organization's mission statement includes a reference to Jesus Christ affect our eligibility to sponsor or host an individual serving in a Corporation supported program?

No; the key issue is whether your proposed service activities are appropriate for a participant engaged in Corporation-supported activities; your mission statement is not relevant to that issue.

If our mission statement includes a reference to Jesus Christ, may we make adherence to or concurrence with, our mission statement a condition for acceptance of our members?

No, because that would constitute a religious qualification on participants and exclude non-Christians from your program on the basis of religion.

But what about the rights of religious organizations to consider religion in hiring staff?

While you may be permitted to consider religion in hiring individuals as staff for your organization, under the national service legislation, participants in Corporation-supported programs are not considered employees of the organizations through which they serve. In fact, participation in Corporation-supported programs must be open to individuals regardless of religion.

What are some other things that might constitute impermissible religious qualifications on participants?

Impermissible religious qualifications might include:

- Requiring participants to belong to a particular religious group or adhere to a particular religious belief;
- Requiring a letter of reference from a clergy member or other religious leader;
- Requiring a background of service in a faith-based setting.

Are we prohibited from asking about a person's religious background?

Because an individual's religious affiliation or beliefs are not appropriate criteria for screening potential participants, you should not require this information as part of your screening process. You may, however, invite individuals to provide references from a wide range of sources, including religious leaders. And you may ask them to describe their backgrounds in service, including service with faithbased organizations.

If we can't ask about a participant's religious beliefs, how can we make sure the participant will not undermine our program?

You may enforce a code of conduct or develop a position description that includes requirements that will ensure the integrity of your program. For example, you may make it a requirement that participants treat your program's clients with honesty, respect, and compassion, or you may adopt a dress code that requires professional attire. In other words, as long as you avoid religious qualifications you have discretion to design your program in a way that meets your objectives.

Can we identify ourselves as a faith-based organization and ask potential participants if they have any reservations about serving with us?

Yes, you may ask potential participants if they would have any problem serving with your agency based on your identity as a faith-based organization.

Can we focus our participant recruitment in the community in which our program is located?

Yes, you may actively seek participants members from the community in which your program is located.

May participants engage in religious activities on their own time?

Yes, the requirement that Corporation-supported service not include religious instruction, religious worship, or religious proselytization does not restrict what individuals may do on their own time. However, it is important to document that service sponsored by the Corporation complies with these and other restrictions on permitted service activities.